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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the combined second and third periodic reports of Tajikistan*

I. General information

1. Please inform the Committee about the legal standing of the International Covenant on Economic, Social and Cultural Rights under domestic law, including its applicability. Please inform the Committee as to whether the national courts have invoked the rights contained in the Covenant, either as a ground for a case or as interpretative guidance for legal norms.

2. Please provide further information on the various nationalities and peoples living in the national territory according to the latest census (E/C.12/TJK/2-3, para. 10).

3. Please provide information on the effectiveness of anticorruption measures, including the number and nature of cases prosecuted, the accountability of perpetrators, and the protection of anti-corruption activists, whistle-blowers, witnesses and victims.

4. Please provide information regarding the mandate, functions and activities undertaken by the Human Rights Ombudsman, especially in the field of economic, social and cultural rights, including complaints and the follow-up thereto, as well as legislative proposals. Please also provide information on its independence, its financial and human resources, and its full compliance with the Principles relating to the status of national institutions (Paris Principles).

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 1 – Maximum available resources

5. Please provide annual comparative statistical data for the reporting period on the percentage of the gross domestic product (GDP) and the State budget allocated to health, education and housing, and other sectors related to economic, social and cultural rights.

* Adopted by the presessional working group at its fifty-third session (26–30 May 2014).

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Article 2, paragraph 2 – Non-discrimination

6. Please indicate what steps have been taken to adopt comprehensive anti-discrimination legislation and a plan of action to combat discrimination in accordance with the previous concluding observations of the Committee (E/C.12/TJK/CO/1, para. 47).

7. Please indicate how discrimination based on grounds such as disability, age and sexual orientation is addressed by legislative and other measures.

8. Please provide information on steps taken to provide refugees and asylum seekers with access to employment and the right to choose a place of residence. Please inform the Committee as to whether the State party is considering abolishing Government resolutions Nos. 325 and 328, which restrict the place of residence for asylum seekers and refugees, in particular with regard to big cities.

9. Please provide information on the implementation of the intergovernmental agreement between Tajikistan and the Russian Federation on the employment and protection of the human rights of Tajik citizens in the Russian Federation and of Russian citizens in Tajikistan.

Article 3 – Equal rights of men and women

10. Please provide information on the measures taken, including in the area of education, to address the stereotypes regarding the roles and responsibilities of women in society, which give rise to their subordination, especially in rural areas. Please also provide information on the prevalence of polygamy, customary marriages and early marriages.

11. Please provide information on concrete results arising from the implementation of the National Strategy to Promote the Role of Women for 2011–2020 and its impact on the economic, social and cultural rights of women and girls, especially in rural areas.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – The right to work

12. Please provide updated information, disaggregated by sex, age and rural/urban area, on the unemployment rate and on the impact of measures aimed at reducing unemployment and the large scale of labour migration abroad, including through the Employment Promotion Programme for 2010–2011.

13. Please also provide information on the measures taken to reintegrate migrant workers returning home or migrants who have been denied entry into the country of employment.

Article 7 – The right to just and favourable conditions of work

14. Please inform the Committee on the measures taken by the State party to implement the principle of equal treatment of men and women with regard to wages, working conditions, access to employment and promotion, and to increase its efforts in relation to qualification programmes for women working in low-paid jobs and unemployed women. Please include disaggregated data on the participation of women in the workforce in

accordance with the concluding observations of the Committee (E/C.12/TJK/CO/1, para. 52).

15. Please clarify whether the minimum wage is periodically reviewed in order to ensure that it provides for a decent living for workers and their families. Please provide information on the size of the consumer basket, established in 2011, 2012 and 2013, and its correlation with the minimum wage.

Article 8 – Trade Union Rights

16. Please provide information on the legal regulations and procedures concerning the organization of trade unions, including their membership. Please also clarify the measures taken to ensure the independence of trade unions and guarantee the right to strike.

Article 9 – The right to social security

17. Please clarify whether there is a system for reviewing social benefits in order to ensure that the benefits guarantee an adequate standard of living, indicating the methodology applied to identify beneficiaries. Please also inform the Committee on the measures taken to improve social insurance systems for unemployment benefits, employment injury benefits and maternity protection. Please provide data on the number of recipients of unemployment benefit for the years 2011, 2012 and 2013.

18. In the light of the fact that retirement pensions are very low, please explain how the minimum retirement pension is calculated, indicating the criteria applied.

19. Please provide information on the measures taken to ensure the effective realization of the right of orphans to receive a pension, inter alia by ensuring that trustees and guardians receive appropriate information with regard to the right of the orphan to receive a pension in the event of the death of the breadwinner and about the procedures for claiming this right in accordance with the previous concluding observations (E/C.12/TJK/CO/1, para. 57).

Article 10 – Protection of the family, mothers and children

20. Please provide information about legislative, policy and other measures taken to protect women and girls from domestic violence and the impact of these measures. In particular, please provide information on the implementation of the Law on Prevention of Domestic Violence, including the State budget funds allocated for this purpose and training programmes for officials responsible for the implementation of the Law. Please also provide information on the number of shelters funded by the State for the victims of domestic violence.

21. Please provide information on measures taken to provide family-based alternative care to children in boarding institutions. Please also provide information on the mechanisms established to ensure that such children have access to education, health care, and social and cultural life outside institutions. Please provide data on the number of children in boarding institutions and those who were placed in foster care or other forms of alternative care.

22. Please provide information on the support and assistance provided to families abandoned by Tajik migrant workers, which are in a vulnerable situation as their only source of income had been the remittances sent home by the family members working

abroad. Please provide data on the number of such families and the scale of assistance involved.

23. Please indicate whether progress has been made in combating trafficking in persons, particularly trafficking of children for labour or sexual exploitation, and provide information on the number of trafficking cases reported, the sentences imposed on perpetrators and the redress and compensation offered to victims.

Article 11 – The right to an adequate standard of living

24. Please provide updated statistical data on the percentage of the population living below the poverty line, disaggregated by sex, age and rural/urban area, as well as information on increases in the consumer price index. Please provide information on measures taken to combat poverty, especially among disadvantaged and marginalized groups, including progress achieved in the implementation of Millennium Development Goal 1 concerning poverty and the number of people living in extreme poverty.

25. Please inform the Committee on legal and policy regulations concerning social housing. Please provide information on the extent of homelessness in the State party and on access to adequate housing by disadvantaged and marginalized groups, including refugees and asylum seekers. Please provide information on the number and nature of forced evictions.

26. Please provide information, by region, on the distribution of electricity to the population, especially during the winter months.

27. Please provide information on the measures taken to improve access to safe drinking water, including statistical data, disaggregated by region and rural/urban area, illustrating the present situation. Please also provide information on drinking water quality control and the availability of sewerage systems in rural areas.

Article 12 – The right to physical and mental health

28. Please provide information on the measures taken to improve health services, inter alia by allocating increased resources and adopting measures to address the rural and urban disparities in health-care provision. Please also provide information on progress made in ensuring universal access to affordable primary health care, in particular in rural areas, in accordance with the previous concluding observations (E/C.12/TJK/CO/1, para. 67).

29. Please provide information on the measures taken to increase awareness and knowledge about HIV/AIDS, especially among youth. Please also provide information on the steps taken to prevent mother-to-child transmission of HIV.

30. Please report on measures taken, and on their impact, to address the prevalence of tuberculosis, in particular in places of detention, and to provide detainees with detection services and anti-tuberculosis drugs as well as to improve hygiene conditions in prisons.

31. Please provide information on the measures taken to combat maternal and infant mortality rates, which remain high, despite some improvements noted by the World Health Organization. Please also provide information on the steps taken to prevent respiratory diseases and malnutrition, which are the main causes of infant and child mortality in the State party.

32. Please clarify rules and regulations governing placement in psychiatric institutions. Please also provide information on alternative forms of treatment for persons with psychosocial or intellectual disabilities.

Articles 13 and 14 – The right to education

33. Please provide information on dropout and non-attendance rates at various levels of education, including statistical data disaggregated by age, sex, nationality and urban/rural area. Please report on measures taken to encourage school attendance by girls, children in rural areas, children belonging to national minorities and children with disabilities.

34. Please provide information on the measures taken to address needs regarding quality of education, especially in rural areas, including school infrastructure, such as furniture and supplies, heating and fresh drinking water, as well as the insufficient number of teachers, whose salaries remain very low.

35. Please provide information on the access to education for minority groups in their own languages, in particular on the availability of textbooks in minority languages.

Article 15 – Cultural rights

36. Please indicate what measures have been implemented to promote and facilitate access to the Internet and to cultural activities.

37. Please provide information on measures taken, including through international cooperation, to protect the cultural heritage, particularly the handwritten books and other manuscripts in the possession of the Institute of Oriental Studies and the Fund of manuscripts (E/C.12/TJK/2-3, para. 158).